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11   SUN MICROSYSTEMS, INC.

12   UNITED STATES DISTRICT COURT

13   NORTHERN DISTRICT OF CALIFORNIA

14   SAN FRANCISCO DIVISION

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16   NETWORK APPLIANCE, INC.,   CASE NO. C-07-06053-EDL

          Plaintiff-Counterclaim Defendant,   **SUN MICROSYSTEMS, INC.'S
17   [PROPOSED] ORDER ON CLAIM
          v.   CONSTRUCTION**
18
     SUN MICROSYSTEMS, INC.,   Claim Construction Hearing:
19   Date: August 27, 2008
          Defendant-Counterclaim Plaintiff.   Time: 9:00 a.m.
20   Judge: Hon. Elizabeth D. Laporte

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1   Having considered the positions of all parties, including briefs and oral arguments, and the

2 evidence of record, the Court holds that the disputed claim terms and phrases are construed as

3 follows for U.S. Patent Nos. 5,925,106, 5,459,857, 5,749,095, and 6,873,630:

Term/Phrase	Construction
"domain name"	A name that has a numerical IP address associated with it.
"server identification data"	Information that uniquely identifies one server from other servers and can be seen by a user.
"in response to writing a data record to said one redundancy group" (claim 6) / "responsive to writing a data record to one of said redundancy groups" (claim 11)	in response to writing the data record to memory associated with the one redundancy group (claim 6) / responsive to writing the data record to memory associated with one of the redundancy groups (claim 11)
"in response to receipt of a stream of data records from said data processor" (claim 6) / "responsive to receipt of a stream of data records from said data processor" (claim 11)	This phrase does not require construction because the phrase is clear on its face.
"Completing [a] write operation within [a] local processing node" (claim 1) / "complete [a] write operation with respect to [a] processor" (claims 11, 17)	Claim 1: This phrase does not require construction because the phrase is clear on its face. [However, if the Court decides to construe this phrase, the phrase should be construed to mean:] "data for the write operation (1) is provided to subsequent read operations within the local processing node to the same address as the write operation and (2) is or will be coherent within distributed shared memory." Claims 11 & 17: This phrase does not require construction because the phrase is clear on its face. [However, if the Court decides to construe this phrase, the phrase should be construed

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	to mean:] "data for the write operation (1) is provided to subsequent read operations by a processor to the same address as the write operation and (2) is or will be coherent within distributed shared memory."
"portion [of a] communication"	This phrase does not require construction because the phrase is clear on its face.
"element [of a] communication"/"element [of a] communication portion"/"elements"/"element [of a] portion"	This phrase does not require construction because the phrase is clear on its face.

The constructions provided above apply to each instance where the patent' claims utilize the same or materially similar claim limitations to those specifically referenced above.

IT IS SO ORDERED.

Dated: ,2008

The Honorable Elizabeth D. Laporte
United States Magistrate Judge

SUN'S [PROPOSED] ORDER ON CLAIM CONSTRUCTION
CASE NO. C 07-06053 EDL